

REMARKS

Claims 1-3 and 5-22 are currently pending in the application. Claims 1, 6, 7, 9, 15, 16, 17, 19, 20, and 21 have been amended.

On page 2 of the Office Action, claims 1-3, 6-8, 15-17, and 19-22 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,319,542 (King).

By its language, 35 U.S.C. § 102 requires that *each and every element* of a claim be present in a single cited reference to properly have the reference anticipate the claim. See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566, 1567 (Fed. Cir. 1992), citing *Diversitech Corp. v. Century Steps, Inc.*, 850 F.2d 675,677, 7 USPQ2d 1315, 1317 (Fed. Cir. 1988); *Lindemann Maschinenfabrik v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1984); *Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 24 USPQ2d 1321, 1326 (Fed. Cir. 1992); and *Elmer v. ICC Fabricating Inc.*, 67 F.3d 1571, 36 USPQ2d 1417, 1419 (Fed. Cir. 1995).

Applicants respectfully submit that independent claims 1, 6, 7, 15-17, and 19-21 are patentable over King.

Unlike King, the present invention uses both a first network address for a constituent member of a particular group and a second network address for a customer who is not a member of a particular group, for communication with a server computer managed by the seller.

King at al. places a private catalog on a customer's local host computer and a public catalog on DATABASE. (described at col.3, lines 41-51, col.4, lines 15-25 and Fig.4).

The present Invention changes service contents (such as a discount) for a particular group of customers by using a different URL (Uniform Resource Locator) of a shopping site on a Web server for a particular group of customers and other general customers.

That is, the present invention places a catalog for a special sales and the like not on the user terminal but on the server of a seller, and notifies particular customers of the address for them in advance. (Other general customers receive standard service with a general public address.) Service contents are changed by judging the particular customers based on the accessed address of the server (shopping site).

The present invention thus has the following advantages that the cited references do not disclose:

- (1) There is no need to install a catalog on a user terminal;

(2) Customers can always refer to the latest catalog; and

(3) The present invention performs all the process on the server side. Accordingly, there is no need to add new functions to a user terminal.

In light of the foregoing, independent claims 1, 6, 7, 15-17, and 19-21 are patentable over King, as King fails to teach the above-identified feature of the claims.

As dependent claims 2-3, 8, and 22 depend from respective independent claims, the dependent claims are patentable over King for at least the reasons presented for the independent claims.

On page 3 of the Office Action, claims 5, 9-14, and 18 were rejected under 35 U.S.C. § 103 over King in view of Kepecs.

Regarding independent claim 5, Applicants respectfully submit that claim 5 is patentable over King, as King fails to disclose or suggest, "judging whether the customer is a constituent member of the particular group based upon a network route used by the customer to gain access." Based on the argument in the previous section, Applicants respectfully submit that the Examiner would have to engage in impermissible hindsight if he were to conclude that King suggests the feature of the present invention identified by the above-quoted language. Further, King teaches away from the present invention in the operation of King described above is completely unrelated to the judging operation of the present invention.

Kepecs's address or email address simply allows a customer to remain anonymous when accessing an account and is not used to provide access.

As claim 9 recites language similar to that of claim 5, in relevant part, Applicants respectfully submit that claim 9 is patentable over the references for at least the reasons presented for claim 5. As dependent claims 10-14 and 18 depend from independent claim 9, the dependent claims are patentable over the references for at least the reasons presented above for the independent claims.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 09/812,845

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 6/23/06

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